

# Limited Voting Rights in the U.S. Capital

Residents say they  
want full democracy,  
like New Delhi.

By JANE VARNER MALHOTRA



Courtesy DC Vote

More than a million of Washington, D.C.'s Taxation Without Representation car license plates have been issued by the D.C. Department of Motor Vehicles since their introduction in November 2000.

After our family moved from Kansas City in Missouri to Washington, D.C. in 2002, my five-year-old daughter asked me what the slogan printed on all the local automobile license plates meant: "Taxation without representation."

"Well, now we live in the capital of the whole country," I explained. "But we're not in a state anymore. And that means we don't have senators or a voting representative in Congress."

"So?"

"So we don't really get to help make our laws. But we still pay tax."

"Is that fair?" she asked.

Nothing like a child to get to the heart of an issue so quickly. We'd moved closer than ever to the center of our government and somewhere in the process lost our place in it.

"Well, let's find out more and see what we think," I told her. "What better place to learn about democracy than our nation's capital?"

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No other place anticipates presidential contests like Washington, D.C. The election season is Washington's monsoon—

dreaded, beloved, powerful, unpredictable. Friends gather for election night parties to watch the results together and find out who will be the new neighbor in the White House. Washingtonians who flock to their neighborhood polling places until late in the evening to cast their votes for President do not take the privilege lightly. They were given this right only in 1961.

When the rest of America heads to the polls in November, they'll get to help elect a Congressional Representative serving a two-year term, and in many states, one of their two U.S. senators serving a six-year term. However, since the District of Columbia was created in 1800 as a federal territory, and not part of any state, according to the prevailing interpretation

of the U.S. Constitution, its residents have not been entitled to representation in Congress—no senators in the upper house of the national legislature, and merely a non-voting delegate to the lower House of Representatives.

However, the privilege of voting for the U.S. President was granted to Washingtonians through the 23rd Amend-

ment to the Constitution, as a result of the civil rights movement of the 1950s and '60s.

Unlike other unrepresented Americans, such as residents of the U.S. island territories of Guam in the Pacific Ocean and Puerto Rico in the Caribbean Sea, Americans in Washington, D.C. pay federal income tax. In addition, with all of

the city's local legislation and its budget subject to final approval by the U.S. Congress, D.C. residents lack true home rule. "Taxation without representation!" is not just part of an elementary school history lesson about one of the American colonists' complaints against British rule 232 years ago. The slogan remains surprisingly relevant for residents of the U.S. capital today.

Citizens in the capital unrepresented in the national legislature. Sound familiar?

Until 1991, New Delhi and Washington, D.C. shared this problem, as have capital territories in other countries, including Argentina, Australia, Brazil, Mexico and Venezuela. Each of these nations created federal districts similar to that of the United States, with limited rights for residents of

Far left: Washington, D.C. residents burn copies of their federal income tax return forms during a "Taxes Paid—Representation Denied" protest.

Left: Sarah Cox (left), Molly Sloss and Norah Sloss, students from the School Without Walls, cheer during a rally supporting D.C. voting rights near the Capitol building in Washington.



PABLO MARTINEZ MONSIVIS © AP/WIDEWORLD



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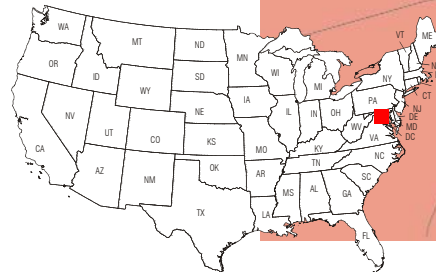


the capital. However, over the past several decades, each has expanded voting rights and self-government for their capitals (such as India in 1991 with the 69th Amendment to the Constitution).

The American capital, however, is left without a voice in the national legislature. How did this problem come about? Why does it remain? How can it be resolved? These were the questions we asked when we moved there.

Living in the state of Missouri, I had always taken my access to a Congress member and two senators as a simple democratic right, and never imagined that I would lose it. Even when we spent a year living in Germany, we retained our right to vote by absentee ballot as Missouri residents. Since I turned 18, about once a

*Washington, D.C. was once a square, carved out of parts of Virginia and Maryland. To regain their voice in national affairs, Virginia residents got their portion returned to the state.*



year I would dash off a letter to my representatives stating my opinion on an issue, even though the response was typically a form letter.

These days most correspondence with Congressional offices takes place electronically, requiring a zip code within the legislator's jurisdiction in order to submit an e-mail. D.C. residents can write to their nonvoting delegate in the House, currently Eleanor Holmes Norton, a Democrat. But reaching a senator if you don't live in their state? According to former Senate staffer Jennifer Smulson, "You could send a letter through the regular mail, and it may arrive at the desk of a Senate staff person. And maybe it would be opened and read. Would it be recorded? Would the person get a response? Unlikely. From my experience, constituents are always the priority."

With no Congress member to write to, I turned to the League of Women Voters. Established in 1920 to help newly enfranchised women learn about the candidates and issues they could now vote on, the non-partisan League is a grassroots, non-profit organization working to educate and advocate on behalf of the voter. Since 1938 the League has supported self-government for D.C. residents.

"Everyone is in favor of representation in general," explains Lloyd Leonard, the League's senior director of advocacy. "But many are not in favor of particular ways to achieve representation."

One of the issues is that the status of the capital district is mentioned in the U.S. Constitution, and the writers of that document deliberately made it difficult to make changes. It can only be done by adding an amendment. That takes years and ratification by three-fourths of the

state legislatures.

Many of those who have opposed bills that attempted to expand the voting rights of Washington, D.C. residents may not have objected to the hoped-for result, but to the attempts to make the changes outside the procedure for a constitutional amendment.

The local League of Women Voters publishes *Know the District of Columbia*, which thoroughly explores the complicated past and unique current status of Washington, D.C. According to the guide, during a meeting of Congress in Philadelphia in 1783, as the Constitution was being written, a group of angry Revolutionary War veterans allegedly threatened the delegates in an effort to obtain back pay. The incident may have influenced the desire to establish a neutral and protected capital city, located outside of any state. Thus Article 1, Section 8 of the Constitution gave Congress the power "to exercise exclusive legislation, in all cases whatsoever," over the district they planned to create as "the seat of the government of the United States."

The capital site, chosen by George Washington, the first President, was ceded in 1791 by two states, Maryland and Virginia. The square of land, 16 kilometers per side, became the capital on December 1, 1800. Two cities within the capital territory, Georgetown and Alexandria, maintained their elected mayors and city councils. However, by a hotly debated act of Congress in 1801, the federal territory was divided into two counties, Washington and Alexandria—the first example of Congress exercising its Constitutional power to exclusive legislation over the District. In the process, District residents lost their



## What's Next for Indo-U.S. Relations?

There will be little impact on U.S.-India relations, regardless of who wins the U.S. presidential election, according to Paul Carrese, an American Fulbright scholar who recently taught political theory for six months at the University of Delhi.

"We can expect continuity no matter which party is in office," Carrese told Indian political science students in New Delhi. "We'll see a continued strengthening of the U.S.-Indian partnership."

The next U.S. President will continue to differentiate between Pakistan and India in U.S. foreign policy, predicted Carrese. "There will be a continued strengthening with India and continued worry about the policy toward Pakistan," he said.

Lastly, Carrese warned that sometimes a change in U.S. administration leads to isolationism, where the government gets less involved in the world's problems, pulling back in the military and diplomatic arenas. However, he could not predict whether this would happen, given the range of views among the front runners in the presidential race and its wide-open, uncertain nature this far away from the election.

Carrese is director and co-founder of the Scholars Program at the U.S. Air Force Academy and a professor of political science.

—L.S.H.



claim to vote as Maryland or Virginia residents in the election of U.S. Senators, Representatives, or the President. By 1847, after years of frustration at their lack of voice in the national legislature and limited local control, Alexandria returned to the state of Virginia, leaving only the original Maryland portion to remain the capital as it stands today.

Over the years, Congress has sometimes granted D.C. residents limited home rule—and revoked it later with a change

in political climate. From 1871 to 1874, D.C. had a popularly elected lower chamber and a nonvoting delegate to the House of Representatives, but after the new municipal government overspent in an effort to beautify the city, Congress ended the experiment in self-government for the next 100 years.

Despite the constitutional amendment in 1961 that gave D.C. residents the right to vote for President, it took until 1970 before Congress granted them another

non-voting delegate to the House. In 1973, the D.C. Home Rule Act was approved, allowing residents to elect a mayor and a council, but providing that Congress would continue to have final authority over the District and its local laws.

As explained in *Know the District*, “The opponents of home rule based their arguments on interpretations of the intentions of the framers of the Constitution, on questions as to the legality of the delegation of powers, and on the federal interest in the capital city.” During Congressional debate about the bill that became the 23rd Amendment, which originally provided for representation in the House and Senate along with the vote for President, many expressed concern that the neutrality of the seat of government would be compromised. Some suggested that the District would become too much like a state, that urban issues would gain too much weight, that other metropolitan areas or other U.S. territories might try to gain Senate seats as well.

In 1978, the League of Women Voters helped lead an effort to amend the Constitution to allow D.C. residents to



Courtesy Office of Congresswoman Eleanor Holmes Norton

*Above: President George W. Bush delivers his last State of the Union address to a joint session of Congress on January 28, 2008, as the Constitution requires. Washington, D.C. residents can vote for the President, but not the legislators.*

*Left: Eleanor Holmes Norton, Washington, D.C.'s nonvoting delegate, during a visit to India in March 2008.*



### For more information:

League of Women Voters

<http://www.lwv.org/>

Voter Guide for the 2008 elections

<http://www.dnet.org/>

Washington, D.C. home rule organization

<http://www.dcvote.org/>

vote as if they were residents of a state. The Voting Rights Amendment passed both the House and Senate, but only 16 of the necessary 38 state legislatures had approved the amendment by 1985, when the ratification period expired.

While many Congress members support a vote in the House for Washington residents, statehood is less popular because it would mean adding two senators from one city in an upper chamber that has only 100 members for the entire nation. And although the population of D.C. is greater than the state of Wyoming, the District lacks characteristics normally associated with states such as diverse geography with both urban and rural areas. Yet, these definitions of what constitutes a state are not written in the Constitution.

“For 200 years, the majority of those who know about the situation simply accept it as an uncomfortable contradiction,” D.C. historian Mark David Richards explains. “On principle there is agreement that one person equals one vote, but the debate in Congress has been over the solution. Something leaders are willing to go out on a limb to support? That’s another story.”

The D.C. Voting Rights Act, supported by the League of Women Voters as another incremental solution, would give a full vote to D.C.’s Democratic delegate to the House, while adding another House seat for a Republican-leaning Utah. The bill passed the House in 2007 but failed by a narrow margin in the Senate. Opponents of the measure, such as Senate Minority Leader Mitch McConnell, a Republican, argue that it is constitutionally unsound. “If we want to give the residents representation, then we should begin the amendment process,” he says. Of the presidential candidates, Democratic Senators Barack Obama and Hillary Rodham Clinton voted in favor of the bill, while Senator John McCain, a Republican, voted against it.

Kevin Kiger, communications director for DCVote, an education and advocacy organization dedicated to securing full voting rights for the District, says, “In an ideal world, the most secure solution that is also likely to gain support is an amendment much like the one that provided D.C. with the vote for President. An Equal Constitutional Rights Amendment would require that D.C. residents be treated as equal to those who live in states. And frankly, examining how other nations handled this kind of inconsistency between principles sets a good precedent for the U.S. to follow.”

Maybe India’s solution will provide a model.



*Jane Varner Malhotra writes from Washington, D.C., where she and her Indian American husband have lived off and on for two decades.*

## The League of Women Voters

Established in 1920 by suffragists to help inform newly enfranchised women, the League is a national grassroots organization that has become a cornerstone of the American democratic system. A non-partisan organization open to women and men, the League helps to clarify public policy issues and encourages citizens to be informed and involved in government at all levels. While the League does not support or oppose candidates for public office, it is wholeheartedly political, working to influence local and national policies through information and advocacy.

The months leading up to the presidential elections command thousands of volunteer hours from League members around the country as they conduct candidate debates, create voter guides and help register new voters.